

21 February 1969

MEMORANDUM FOR: The Director

SUBJECT: Ervin Bill - S. 782

Bill Woodruff, Scoop Jackson, among others, have suggested you might want to mention at an early Subcommittee session the problem of the Ervin bill (S. 782 to protect the constitutional rights and privacy of Government employees). I hope you find a chance to do this and if so suggest you make the following points:

1. Our Subcommittee is certainly well aware of the sensitivity of the kind of material we handle and the kind of operations we engage in.
2. It is also aware of the Director's statutory responsibility to protect our sources and methods.
3. We need only look at some of the past experiences of U.S. agencies (NSA cases for example) and cases of friendly foreign countries (Philby, Blake, Runge, Imre, etc.) to see the incalculable damage done by successful Soviet penetrations of free world intelligence organizations.
4. Indeed we have a mass of evidence that one of the highest priorities of the KGB is the penetration of U.S. intelligence agencies. One successful such penetration might enable the Soviets to identify and neutralize many of our own operations; learn what we know and don't know about Soviet capabilities and intentions; gain insights enabling them to confuse and deceive us; and acquire vital information about U.S. policy, capabilities, technology, etc., with which our own personnel become familiar in the course of their work.

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5. For these reasons we are very seriously concerned about the implications of certain provisions of the Ervin bill:

a. As you know, over the years we have developed a thorough system of screening and assessing our personnel. If we didn't carefully check their security and suitability, we wouldn't be doing our duty. The Ervin bill would severely limit us in this regard. It apparently would forbid us to question an employee regarding his association with known Communist agents.

b. Perhaps even more serious, provisions of the bill grant any employee whose performance has been brought into question, the right to bring in private counsel at the very outset of an inquiry and to appeal his case to a U.S. district court. In such cases we would be faced with the problem of either letting command authority and discipline fall apart, or going to public trial and being forced to reveal a great deal more about the Agency and its operations than we would want.

Especially troublesome too is the provision allowing any applicant the right to file suit in a district court for alleged violations or threatened violations of the provisions of the bill (i. e. , questioning an applicant about his personal life). Under these provisions, leftist organizations, dissident youth groups, etc. , could launch a campaign of litigation virtually paralyzing the Agency recruitment program and severely straining its administrative resources.

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